



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 12, 2005
Comment Deadline: November 10, 2005
Corps Action ID #: 200531006

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Lauth Property Group
Attn: Paxton Hollar
4201 Congress Street, Suite 375
Charlotte, NC 28209

Agent (if applicable): Len Rindner
3714 Spokeshave Lane
Matthews, NC 28105

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act.

Location

The property is located on the south side of Moores Chapel Road (SR 1601), adjacent to the east side of the newly constructed I-485 interchange, in Charlotte, Mecklenburg County, North Carolina (35.2725°N, -80.9629°W) and is approximately 53 acres in size. The site contains wetlands as determined by the USACE 1987 Wetland Delineation Manual and is adjacent to stream channels with indicators of ordinary high water marks. The stream channels on the property are unnamed tributaries to Paw Creek which flows into the Catawba River. The Catawba River ultimately flows into the Atlantic Ocean through the Santee-Cooper River in South Carolina.

Existing Site Conditions

The property is 53 acres in size and is primarily wooded. A majority of the site is in various stages of succession from formerly farmed areas and timbered woodland. The upland forested areas on the site are dominated by a mix of various pine and hardwood

species. The tree canopy is generally composed of the following species: loblolly pine (*Pinus taeda*), eastern redcedar (*Juniperus virginiana*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), red oak (*Quercus rubrum*), white oak (*Quercus alba*), and tulip poplar (*Liriodendron tulipifera*). The subcanopy consists of saplings of the canopy species in addition to black cherry (*Prunus serotina*), holly (*Ilex opaca*), dogwood (*Cornus florida*), elm (*Ulmus rubra*), privet (*Ligustrum sinense*), poison ivy (*Toxicodendron radicans*), muscadine grape (*Vitis rotundifolia*), and honeysuckle (*Lonicera japonica*).

The wetlands on the site are classified as headwater wetlands and consist of the following species: green ash (*Fraxinus pennsylvanica*), sweetgum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), silky dogwood (*Cornus amomum*), willow (*Salix nigra*), tag alder (*Alnus serrulata*), poison ivy (*Toxicodendron radicans*), greenbriar (*Smilax rotundifolia*), *Carex spp.*, *Juncus spp.*, and jewelweed (*Impatiens capensis*). The wetland areas are located near the southwestern corner of the property and total 0.42 acres. These wetlands are immediately upstream of an existing open water pond located off property.

The site also contains three stream channels that bisect the property. Stream 1 is a perennial channel that enters the property at the northern boundary and extends through the property to the southern boundary. Stream 1 is approximately 1,706 linear feet in length and considered to be of good quality. Stream 2 is a tributary to Stream 1 and is considered to be an intermittent channel with important aquatic function. Stream 2 is approximately 728 linear feet in length and begins immediately downstream of a storm water detention pond. Stream 3 is located in the headwater wetland complex near the southwestern corner of the property. Stream 3 is approximately 517 linear feet and is considered to be an intermittent channel with important aquatic function. There is an existing 50-foot SWIM Buffer on the lower portion (approximately 600 linear feet) of Stream 1. Total stream channel length on the property is 2,951 linear feet.

The NRCS Soil Survey of Mecklenburg County, North Carolina maps the following soils on this site: Cecil sandy clay loam (CeB2 and CeD2), Wilkes loam (WkD), Mecklenburg-Urban land complex (MkB), Enon sandy loam (EnB), and Cecil-Urban land complex (CuB). None of the soils mapped by the NRCS Soil Survey are considered hydric in nature.

Applicant's Stated Purpose

As stated by the applicant, the purpose and need for the project is to construct a residential and commercial retail development at the interchange of Moores Chapel Road and I-485, in Charlotte, Mecklenburg County, North Carolina.

Project Description

The applicant is proposing to impact approximately 681 linear feet of Stream 2 and 0.01 acre of wetlands associated with the construction of roads and parking areas. The

proposed impact to Stream 2 will result from the construction of an entrance road and parking lots. The proposed impact to 0.01 acre of wetland will result from the construction of a road to access high ground portions of the site for future residential housing. The applicant may construct a road crossing over Stream 1 in the future, however, no impact is proposed to Stream 1 due to the construction of a bridge or bottomless culvert at the crossing. The proposed plan of the development is to incorporate a pedestrian friendly and main street/village design elements.

The applicant is proposing to mitigate for the loss of 681 linear feet of stream channel by making payment into the North Carolina Ecosystem Enhancement Program in the amount necessary to perform 681 linear feet of stream channel restoration in the Catawba River Basin (03050101). The applicant is also proposing to preserve the remaining stream channels and wetlands on the site through common open space. The applicant is also proposing to place a 35-foot undisturbed riparian buffer on the remainder of Stream 1 that does not already have a 50-foot SWIM Buffer.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 10, 2005.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

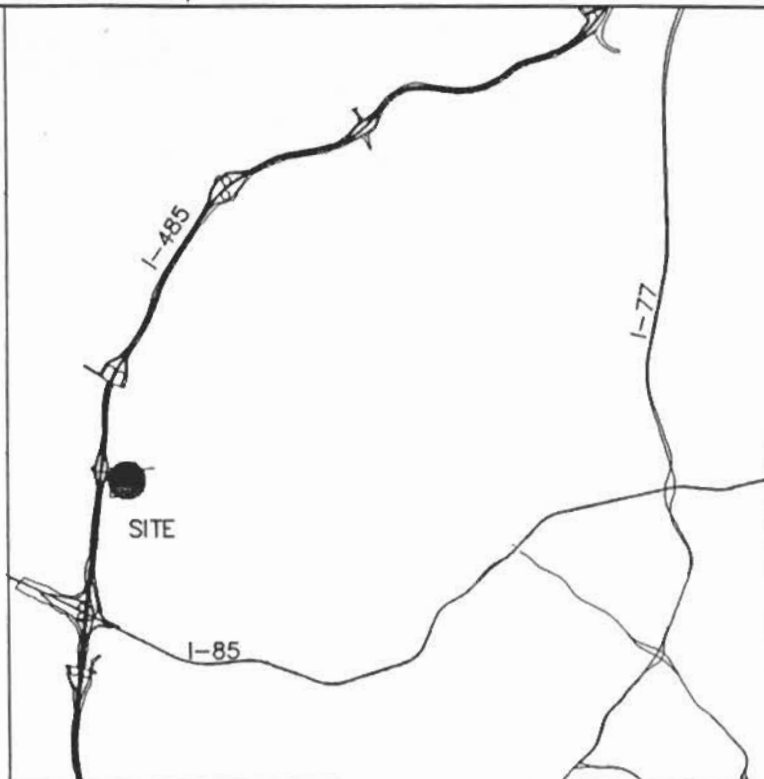
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 10, 2005. Comments should be submitted to Amanda Jones, 151 Patton Avenue, Room 208, Asheville, NC 28801.



LOCATION MAP

N.T.S.



Moores Chapel Road I-485 Retail

Lauth Property Group

VICINITY MAP

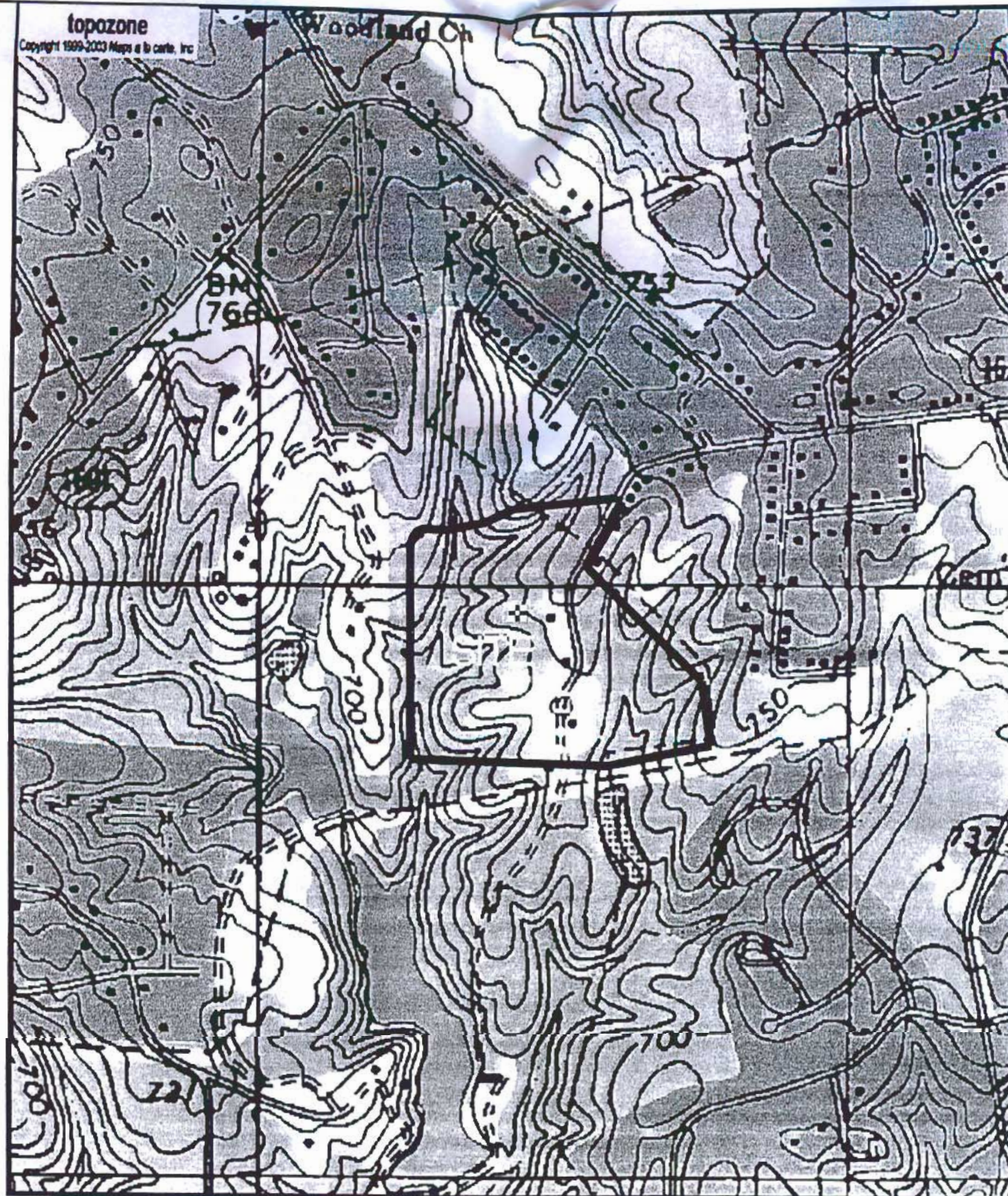
Scale = N.T.S.



20053/006

topozone

Copyright 1999-2003 Maps & to carte, Inc



0 0.1 0.2 0.3 0.4 0.5 km
0 0.09 0.18 0.27 0.36 0.45 mi

Map center is 35.2717°N, 80.9620°W (WGS84/NAD83)

Mountain Island Lake quadrangle

Projection is UTM Zone 17 NAD83 Datum



M=-7.037

G=0.022

Moore's Chapel Road I-485 Retail

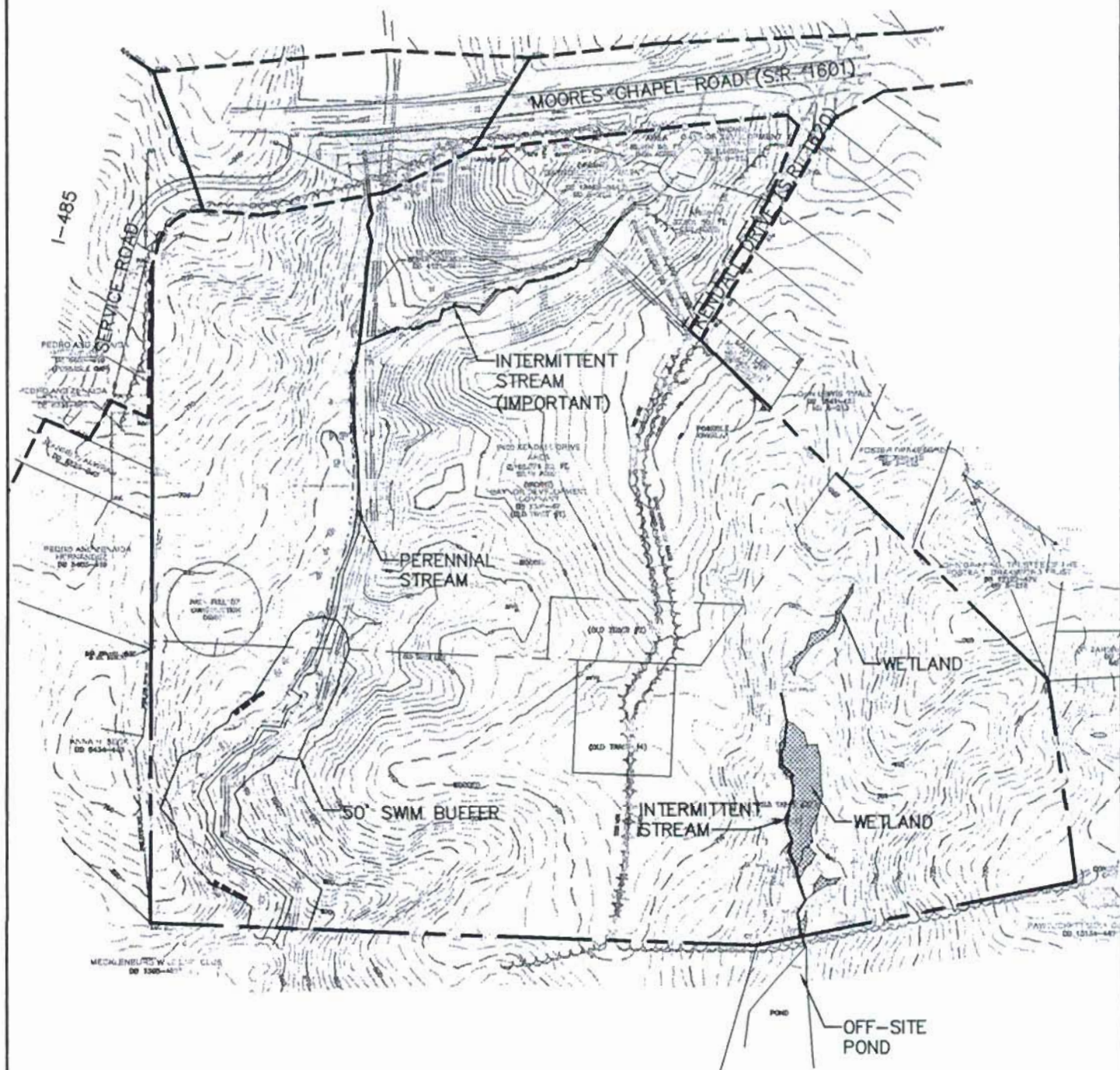
Lauth Property Group

USGS MAP

Scale = NTS



200531006



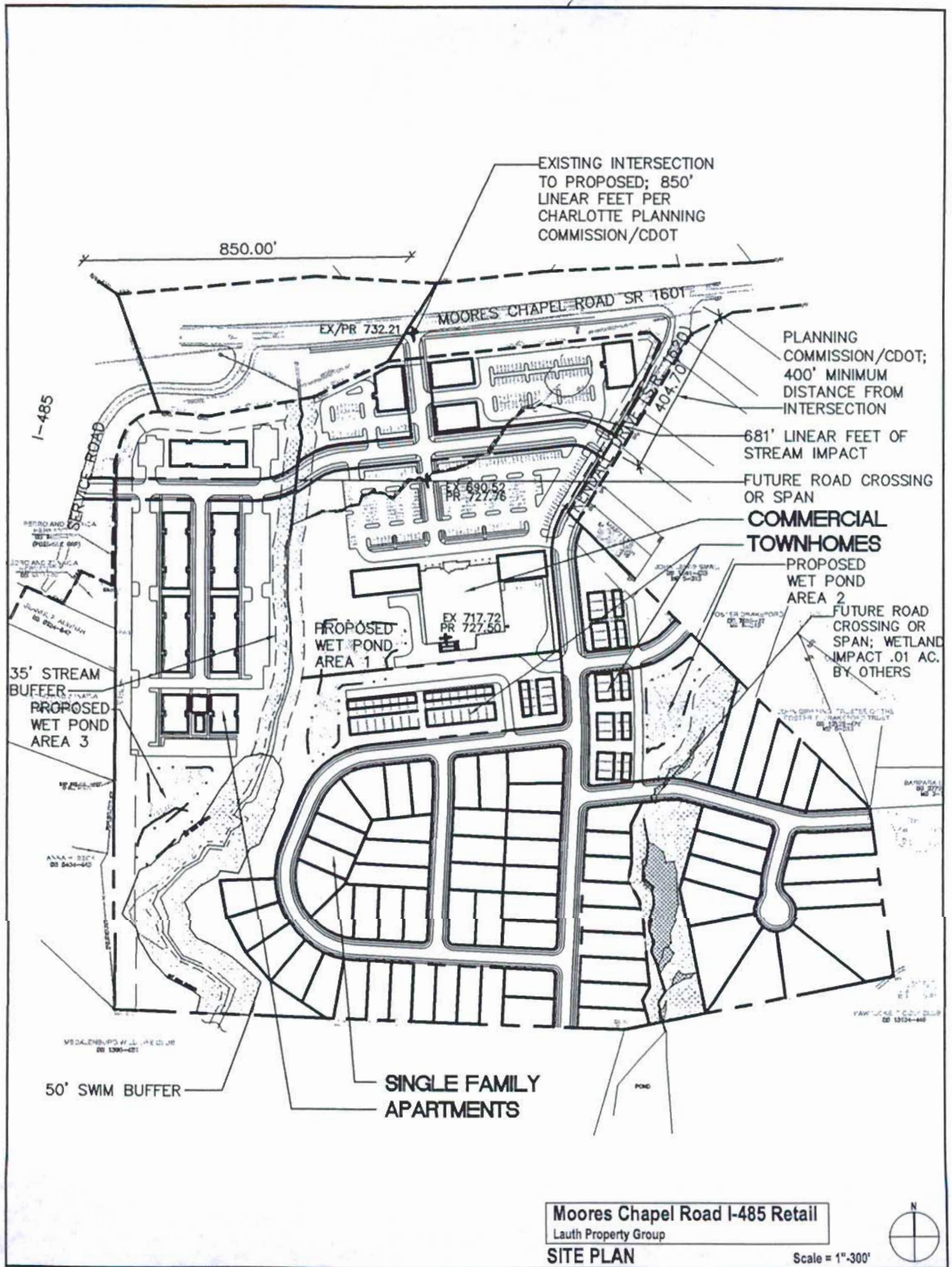
Moores Chapel Road I-485 Retail
Lauth Property Group

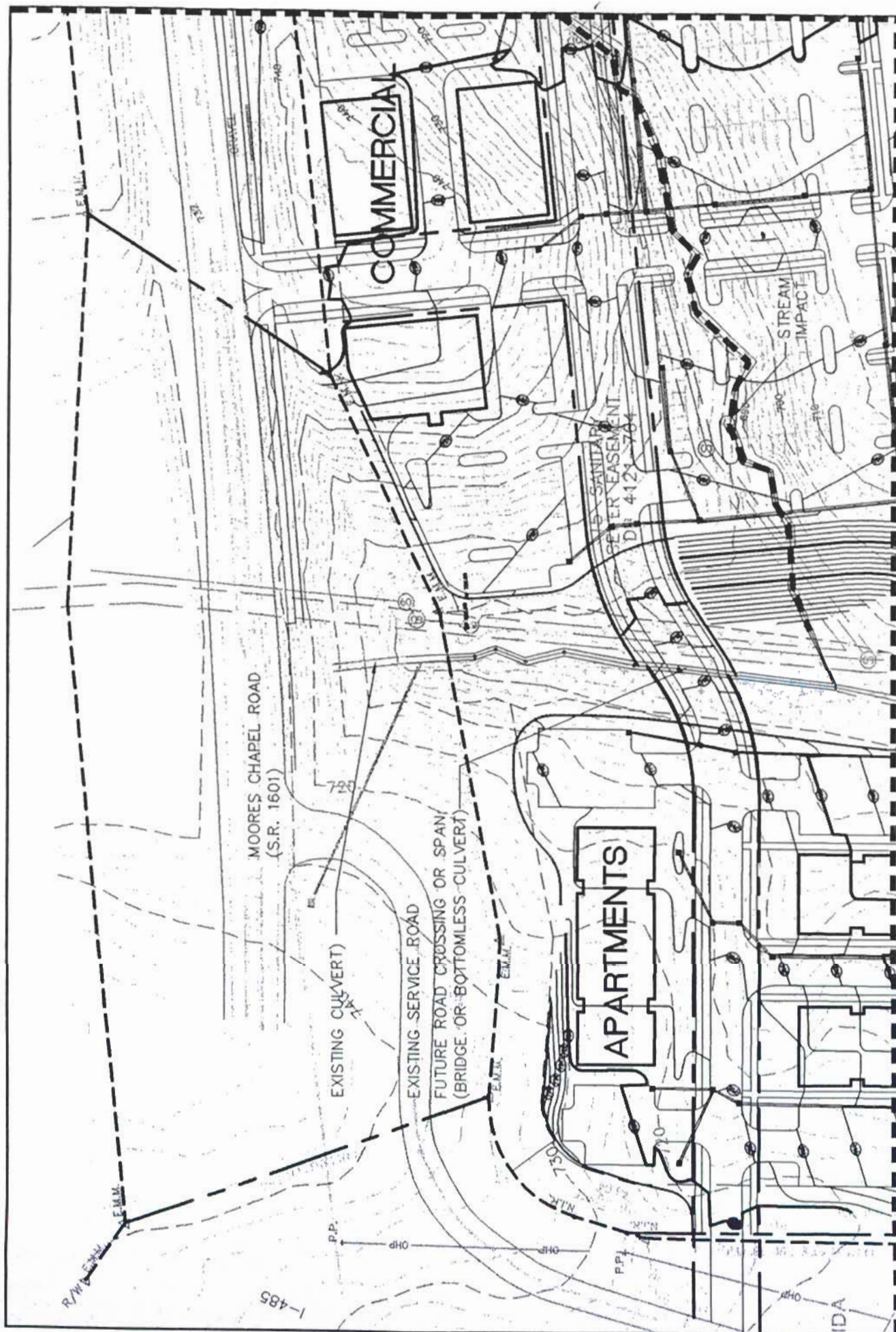
EXISTING CONDITIONS

Scale = 1"=300'



200531006





Moore's Chapel Road I-485 Retail

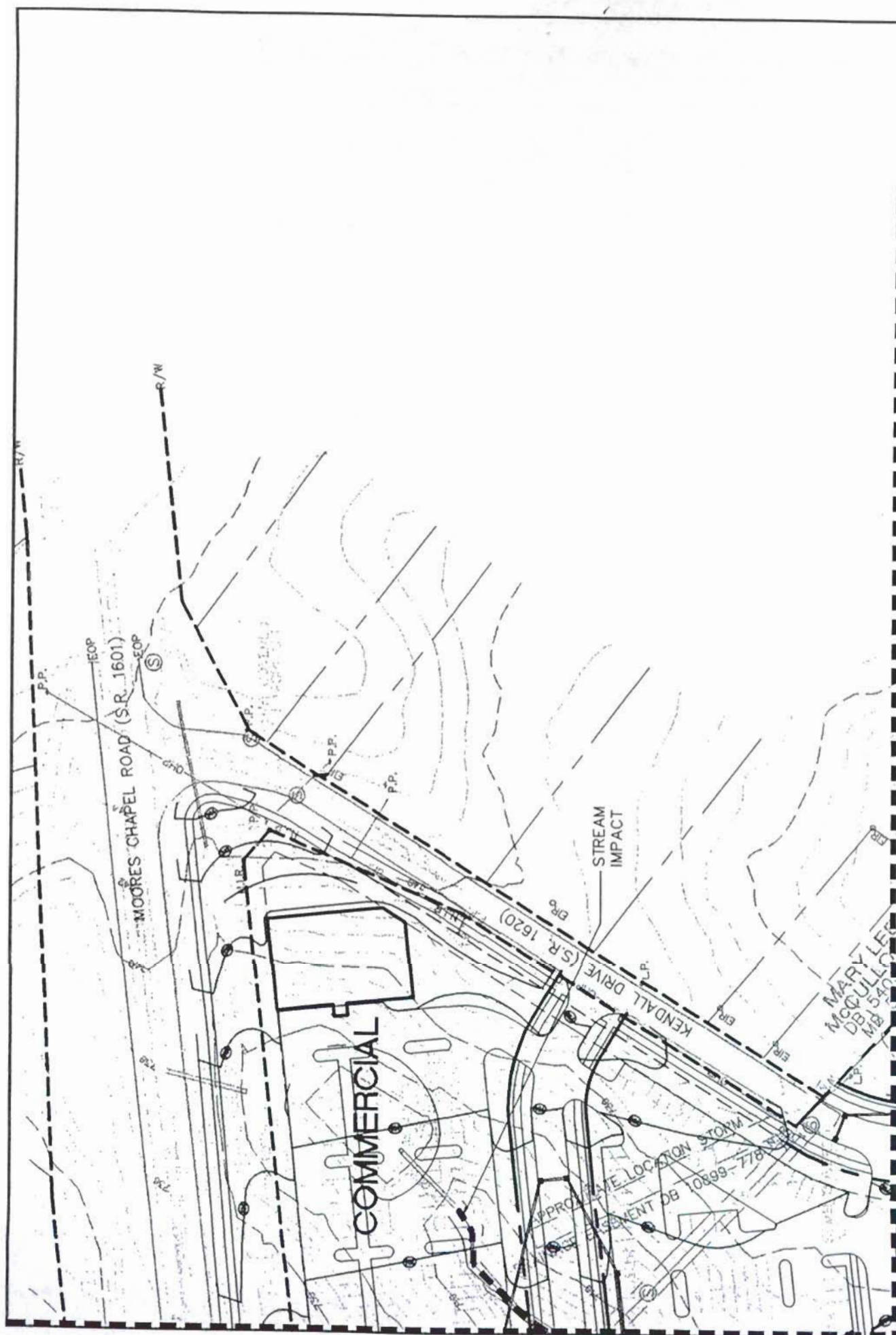
Lauth Property Group

SITE ENLARGEMENTS

Scale = 1"=100'

AREA 1

20053 1004



Moores Chapel Road I-485 Retail

Lauth Property Group

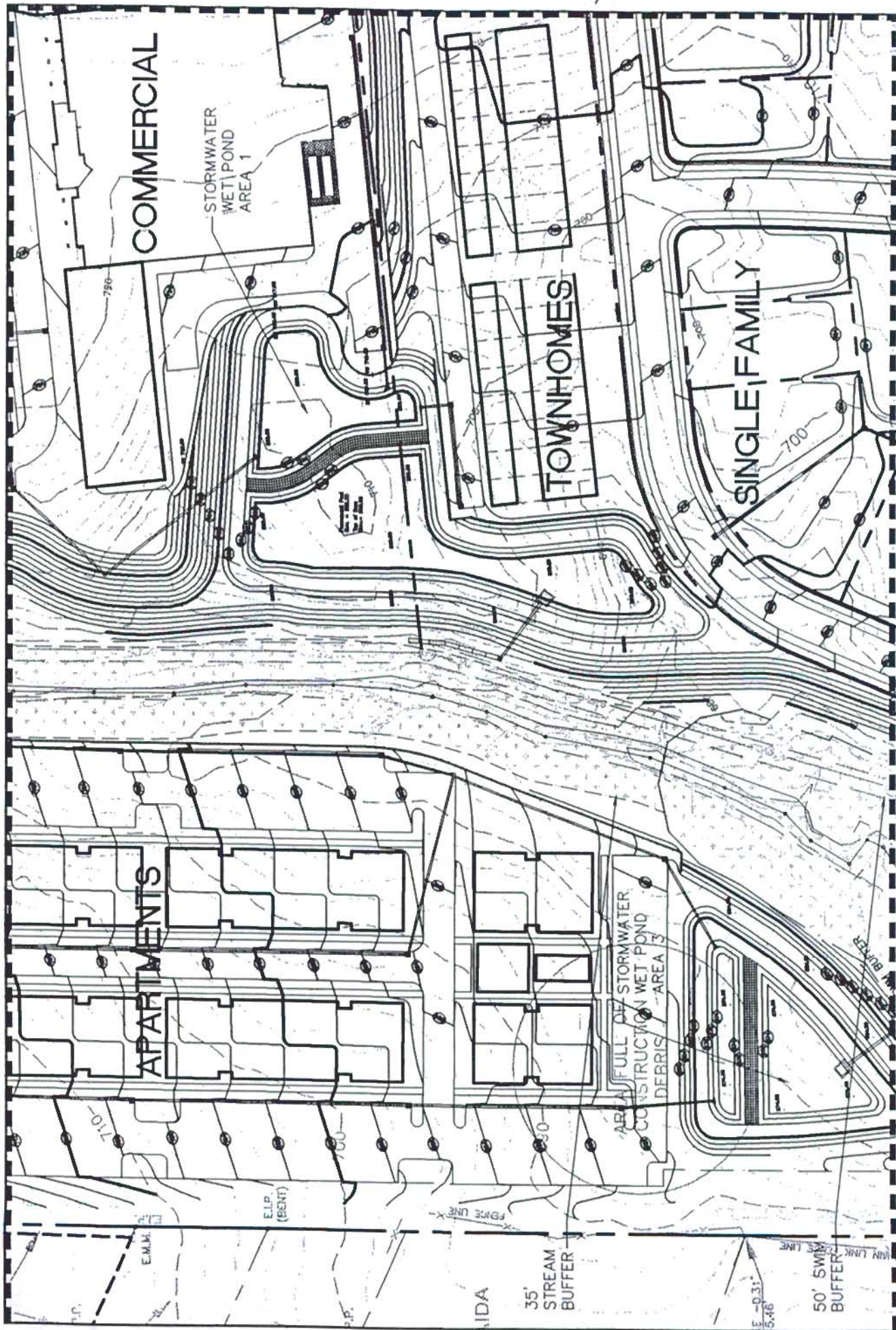
SITE ENLARGEMENTS



Scale = 1"=100'

AREA 2

200531006

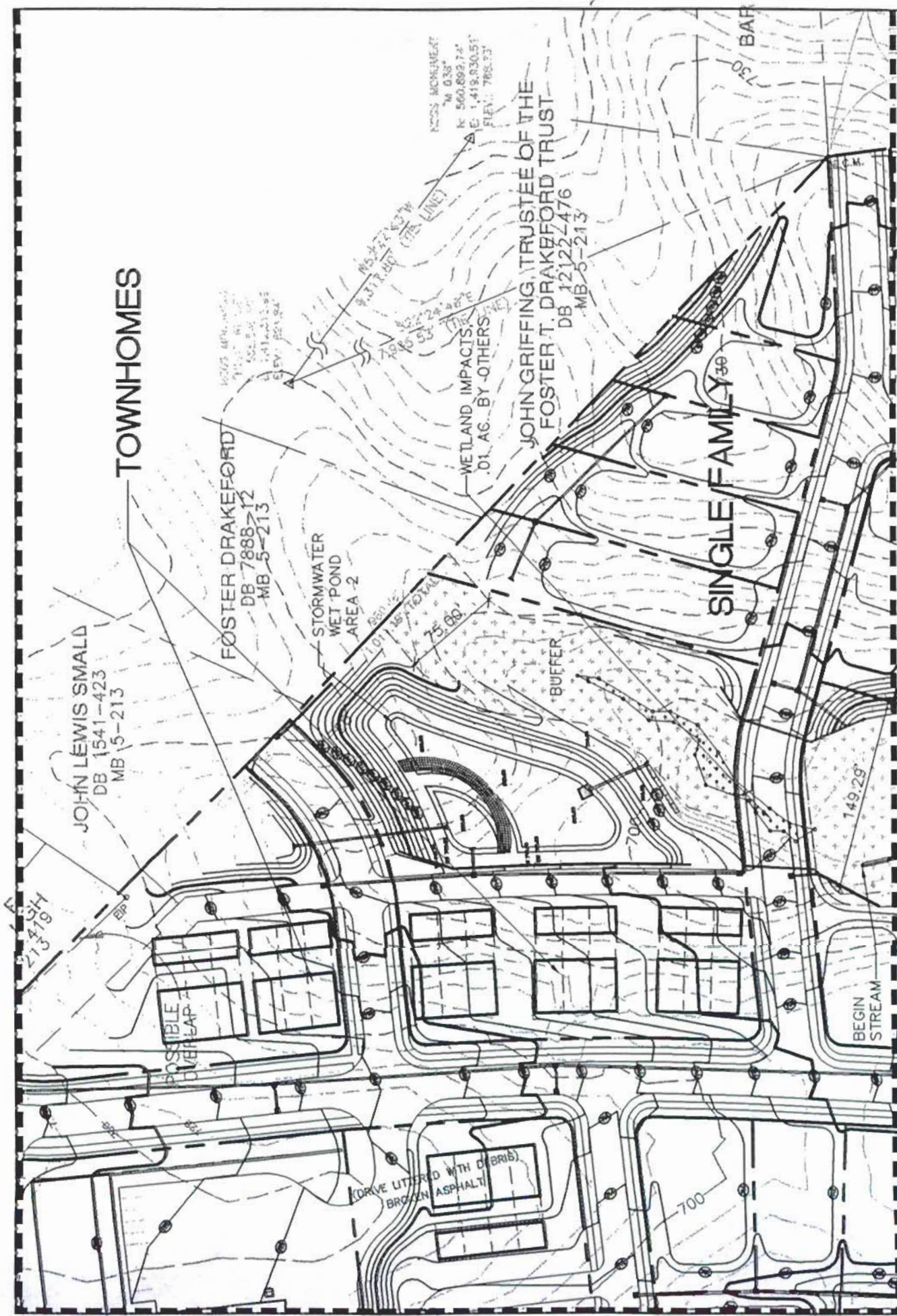


Moore's Chapel Road I-485 Retail
 Lauth Property Group
SITE ENLARGEMENTS
 Scale = 1"=100'

SWIM BUFFER - SURFACE WATER MANAGEMENT (MECKLENBURG COUNTY)

AREA 3

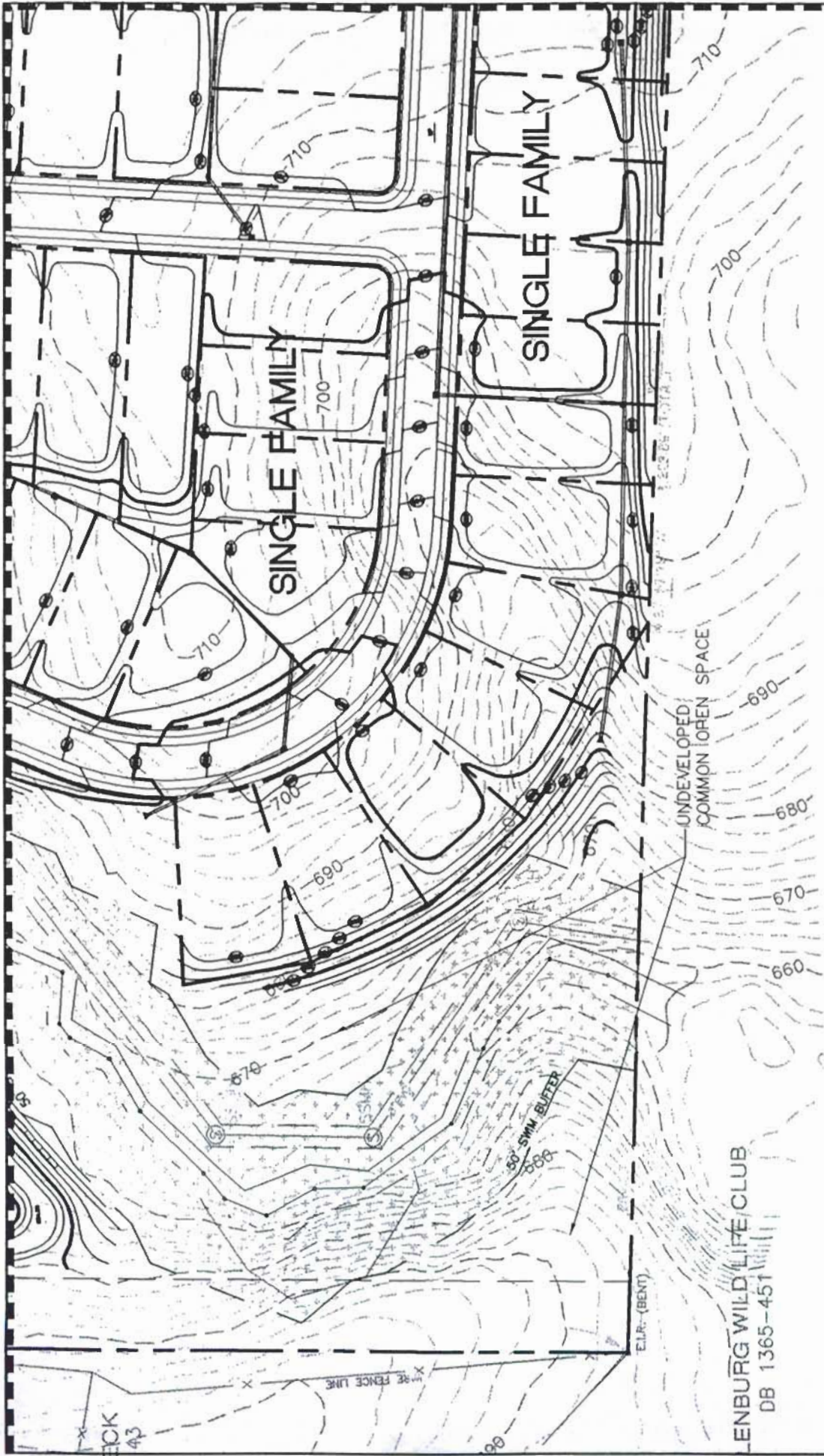
200531006



Moore's Chapel Road 1-485 Retail
 Lauth Property Group
SITE ENLARGEMENTS
 Scale = 1"=100'

AREA 4

2005 31006



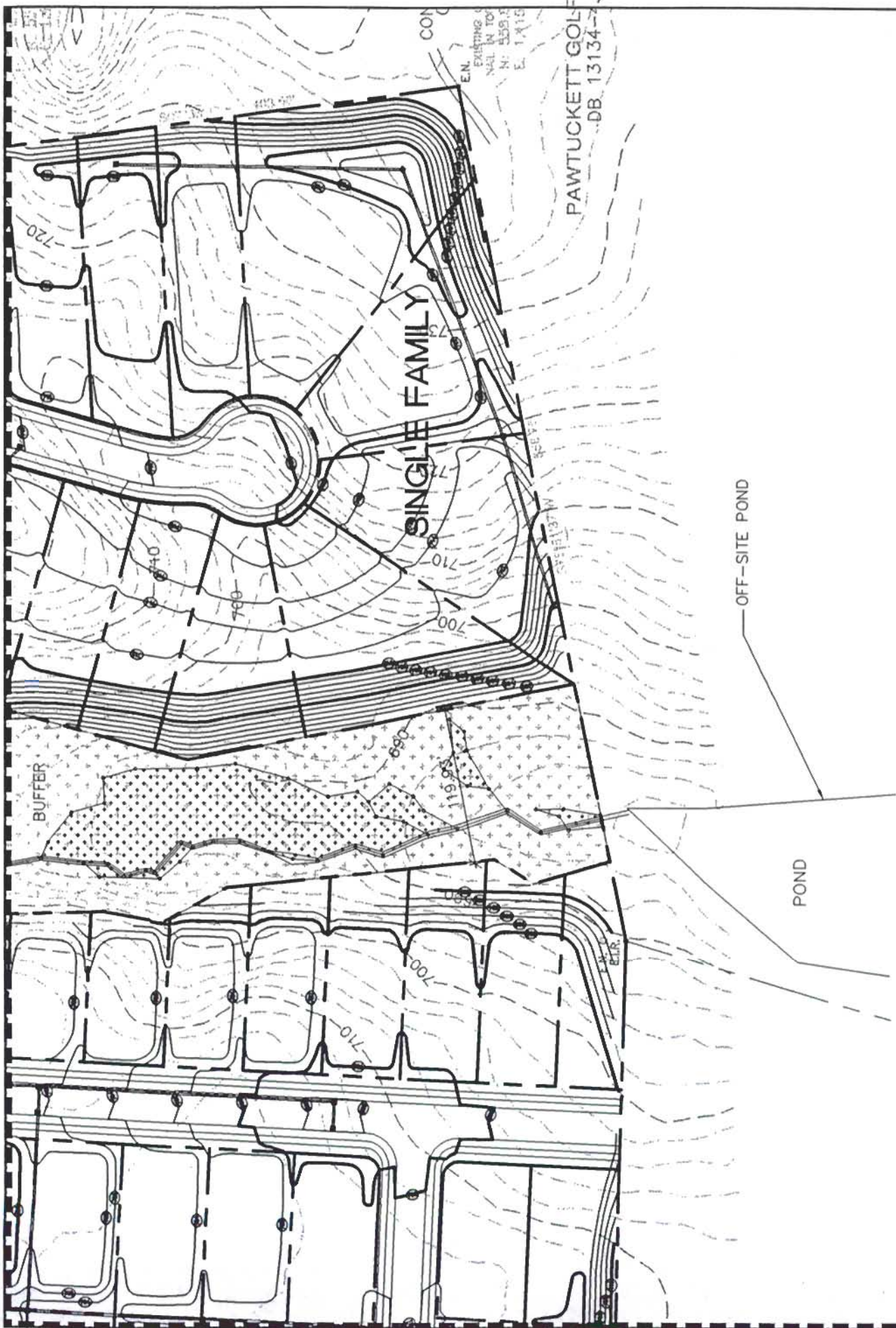
Moore's Chapel Road 1-485 Retail
Lauth Property Group

SITE ENLARGEMENTS

Scale = 1"=100'

AREA 5

200531006



Moore's Chapel Road 1-485 Retail

Lauth Property Group

SITE ENLARGEMENTS

Scale = 1"=100'

AREA 6

200531006



200531006